

P A P E R S

Concerning the

L A T E D I S P U T E S

B E T W E E N T H E

Commons and Aldermen

O F

D U B L I N.

Re-published and Humbly Addressed to his Excellency
the L O R D L I E U T E N A N T.

Ut qui libertati erit in illa urbe finis, idem urbi fit.
LIV:



16

D U B L I N:

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P A P E R S

Concerning the

LATE DISPUTE

BETWEEN THE

Commons and Adelphians

OF

D U B L I N

Concerning the late Dispute between the
Commons and Adelphians

in the year 1712, and the manner of its
being

settled.

1712.

Concerning the late Dispute between the
Commons and Adelphians, in the year
1712, and the manner of its being
settled.

To His EXCELLENCY
 Earl of CHESTERFIELD, &c.
 Lord Lieutenant General and General Governor
 and so not of IRELAND to
the right honorable gentleman who is to see the country
My Lord,

WHEN a Man undertakes any thing which relates to the Publick, he begins, from that moment, to think himself of some Consequence, and to expect a proportionable degree of attention; to howe must then his hopes be raised, if the Principles he acts upon, if the Ends he pursues, should, in his fond opinion, be the same with those which in a higher sphere have influenced the Condition of whatever great Man he may have the presumption to chuse for a Patron!

To informate, that your Excellency's example has had some share in the attempt I made to rescue my Fellow Citizens from a State, which I thought very little superior

to that of an unwarranted Dependence on the Power and Station of a few, may be thought ridiculous; but it might appear yet more unnatural to suppose that your Excellency's constant and acknowledged attachment to the Liberties and Rights of the Subject—that the Strength of Reason, and Zeal with which you have, on every occasion, pleaded their Cause, have had no other Effect than to engage our Respect and Admiration; such Sentiments do naturally create a desire of imitation; and to have been, on some occasions, so far transported with this desire, as to ask myself, after what manner a *Cicero*, a *Brutus*, or a *Chesterfield* would have behaved, had the Sphere of their Actions been confined within the limits of a Corporation or a Common Council, is an excess which, I hope, will be thought excusable.

Whether or no I have understood the Principles upon which They acted, will appear to any one who may have the patience to peruse the following Papers.

They were published with an Intent to make the Citizens acquainted with certain

Rights, which I apprehend have been unjustly taken from them; and to awaken that Sense of Independency—that Impatience of Wrongs—that Jealousy of Power—that Love of Community which have always been esteemed the Characteristicks of *Britons*; and which are so necessary to the Preservation of our excellent Constitution, that, were they totally extinguished in the minds of the generality of the People, not the united Endeavours of all the Patriots in *England*, with your Excellency at their head, could prevent that Slavery, which would be the natural Effect as well as Punishment of our Degeneracy.

That the Intention of Charters and Incorporated corporations was to free the Incorporated from certain Taxes, Difficulties, Villanage, Duties or Services to which they were before Subject; and to grant them Immunities, Rights, Privileges, and Honours, distinct from what they had before a right to, in common with others, will not I think be disputed.—That the Freemen of *Dublin* have at this day no such Rights, &c. the bare Exposition of our present Constitution will sufficiently demonstrate.

This City, my Lord, is now entirely in the Hands of a Lord Mayor, and twenty-four Aldermen. To them alone belongs the Election of Mayor, Sheriffs and Treasurer; they elect the Commons from a double Return made to them from the inferior Corporations; and under the Controul of these (with those who have served the Office of Sheriff) they make By-laws; dispose of all inferior City Offices; manage the publick Revenues, and every thing which relates to the City. Those who have served the Office of Mayor, are by late Charters, made Justices of Peace. They Claim, besides all this, the Right of electing Aldermen on every Vacancy; and have actually exerted it for some Years past.

When the Extent of these Powers is considered, it will be difficult to say what Rights or shadow of Power are left to the other Ciuzens; most of them have no voter, even in the double returns, made to the Aldermen, of Common Council Men for their Corporation; these returns are made, in some, by the Master and Wardens alone

alone; In the largest and most considerable, the Guild of Merchants, it is made by the Master and Wardens, and the Council of the house composed of all the Aldermen; of the City, (those very Aldermen who are from that Return to make a second choice,) of all the Sheriffs, Peers, of all who have serv'd the Offices of Master and Wardens, and of thirty-one persons nominated solely by the Master and Wardens. — This Corporation has, in the Common Council, no less than thirty-one Representatives; if Men who are not chosen by a Body may be said to represent it. — and the other twenty-three Corporations have, among them, no more than sixty-five. — In few of them is the double return made by the whole Body.

It is absurd to suppose that this could have been the original Constitution, or that such exorbitant Powers, as our Aldermen now enjoy, could have been designed for them, ^{as I am sure} they never were granted by Charter. — The office, the very name of Alderman, was not known in England till the 25th of Henry the 3d, when the first Aldermen of London were appointed; and this was long after the Citizens of Dub-

they were incorporated, and had enjoyed the election of their Provosts, afterwards Mayors; and of their Bailiffs, since Sheriffs.---The first mention made of Aldermen, in any of our Charters, is in one of the seventeenth of K. Charles 1. It was granted, as appears from our records, on an application from the whole corporate Body; and, as it is expressed in the preamble, on an Information that the Aldermen were elected by the Mayor, Bailiffs, Commissions and Citizens. But tho' the Crown did not, I believe could not legally give us up thus bound into the hands of our Rulers, they derive a stronger and more indisputable title to most of these Powers, from the new Rules made by the Privy Council of Ireland in 1672, under the sanction and authority of an Act of Parliament.

What were the designs carried on by the Court at that time? Your Excellency, who is so well acquainted with the characters of the Earl of Berkeley, under whose Administration these Rules were framed, of the unfortunate Earl of Essex, by whom they were (I suppose as much as to entitle the Citizens to go to war with the

he was able) mitigated, and at last enacted, and of those noble Persons, who had the greatest influence in the English and Irish Councils, will easily determine; but I will venture to assert that whether the new Rules were calculated to guard against, or to open the door to Popery; to stifle any dissention which might have been of prejudice to the City; or to secure for ever to the Crown, an influence on the Corporation, which it had not before, and which it cannot have consistently with the Liberty of the Subject; --- whatever might have been the reasons for this proceeding in 1672, they can at this Day have no weight. The Crown stands in no need of an Influence in this Corporation; the Freemen who compose it are Protestants, as loyal, as much devoted to his Majesty, and to the Succession in his illustrious House, as any Subjects in his dominions. --- Some among them may indeed wish that these unnecessary shackles, laid on our Liberty in times of factions and divisions, were taken off; or at least that we might have leave to try our title to those, which it is apprehended we have as yet a good and legal claim to.

The

The Right of being Electors of those Aldermen, to whom the new rules have given such unreasonable powers, is, among these, one of the most considerable. By good fortune, the new rules have made no Ordinance concerning their Election, it remains still on the foot of the old Constitution, or Common-law. The Aldermen do not pretend to be *ab Origine*, or *ex Jure divino*, nor created by the Crown; and it will of consequence be impossible, I think, to derive any other Origin of them, but from the Freemen. How long the People kept this Right in themselves; how long the Aldermen have since possessed it exclusive of the Commons; what length of time is sufficient, in this case, to make a prescription in their favour, are Points which I expected to have heard tryed, and finally determined in a proper Court, and before a competent Jury. It is indeed supposed that the Laws in this Kingdom were, in most respects relating to matters of difference amongst ourselves, nearly the same as they are in England. There is no Freeman can be disengaged of

his Freehold, Liberties or Franchises, or be adjudged or condemned but, by lawful Judgment of his Peers; there an Information, in the nature of a *Quo Warranto*, may (as I am informed) be brought by any private Person, as well as by the King's Officer, against Officers of Corporations; --but however I may have mistaken the Constitution of this Country, and the Privileges which I thought the birthright of every Freeman, there is one which I think I cannot be mistaken in, because it is a Privilege, which, under the most arbitrary Governments, is in some measure enjoyed, and that is the Privilege of expressing my wishes for the repeal of any Law which I may think injurious to myself or to any fellow-subject.

Of this Kind seem to me, those Laws, whether written, or of prescription, which give or confirm Powers, such as I have described, to a few Men in this, and in some other Cities or great Towns of this Kingdom, --of this Kind seems to be that part of our Common-law which obliges the Courts to receive Informations in the nature

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nature of *Quo Warrantos*, when brought
before them by command of the King,
and in support of Prerogative ; and which
allows to the Subject no right to a like pro-
cedure when his Franchises and Privileges
are in question.--- This distinction is un-
common ; and I cannot see what inconve-
nience could happen, were my Rights, as
a Citizen, upon the same footing with
my Property as a Subject.

It may be thought perhaps to set too high
a value upon these Rights ;--- Men of su-
perior rank and fortune, whose lives are
wholly employed in making or securing in-
terests in Counties, Cities and Boroughs,
are apt enough to mistake their desires of
power and consideration, for the happy
effects of nobler blood, or of a more
refined and cultivated education ; and so
be surprized, if not offended at the like
appearances in those, whom they are ac-
customed to look upon as mere Depend-
ents and Vassals. It is however certain that
this *Appetitus principatus* is one of the
strongest and most universal Instincts in
human nature ; and that as the indulging
it

it in others, is one of the most exalted Instances of benevolence in private Life, so is it the most refined Instance of policy, in all well regulated Governments; hence the Honours, Magistracies, State, Pomp, Dignity conferred on Cities; hence Places of power and consideration reserved, in smaller communities, for Men who could not aspire to be considerable in the state, and who might otherwise want a sufficient incitement to their Industry, which the mere desire of wealth would not so universally set to work; hence the equality, in the eye of the Constitution, between Citizens and Freeholders, considering the Properties of the one, and the Rights of the other, as sufficient Securities to intitle their Possessors to a share in the Legislature, either by themselves or their representatives. Permit me to add, my Lord, that other possessions may, by many accidents, be lost or destroyed; but my Rights as a Citizen cannot be taken away, but by my own fault, so long as the Constitution remains unhurt.

I flatter my self that your Excellency will, from what I have offered, excuse my making

making my last Appeal to you. Disappointed as I have been in an Attempt to be relieved by Law--disappointed in my expectations, that the Case of the Citizens was of importance enough to become a national concern, I have no other recourse but to the Crown; and I can never hope for a more favourable opportunity, to apply to it for redress, than when its power is delegated into such Hands as it is at present.

The professions your Excellency was pleased to make, when you condescended to accept the Freedom of this City, were not, I am fully persuaded, Matter of Form; neither were they, I am equally certain, confined to those who had the power to present you with it; I was not, my Lord, of that number, and this Occasion made me most sensibly feel how much I was injured; for what Injury can be greater than to be deprived, as I and some thousands of my Fellow Citizens were, of an Opportunity to express those Sentiments of Esteem, Veneration and Gratitude, which your Excellency's Regard to the Interests and Welfare of this Kingdom, the Encouragement

agement you have given to our Trade and Manufactures, and the good Dispositions you have shewn to this City in particular, have so very justly and warmly excited in us.

A City of Dublin.

I am with the most profound respect,
A Second LETTER to the Common-

of the City of Dublin.

A PROTEST of the Common Councils
in the Common Council of Dublin, with
Respect to the Intercourse by Water
Declaratory of the Common Councils Regard.

PROTESTS OF THE Common Councils
in the Common Council of Dublin
with the Intercourse by Water
between the two Cities of Dublin and Cork.

James Digges-Latouche.

A VINDICATION of the Right of
the City of Dublin to Vindication.

Printed for the Author.

1734.

long absent from the publick service of the country
 and the publick good of the city and the M
 unicipal authority in it, and of several evill and un
 profitable practices which were visited by evill and
 A LETTER to the Commons of the
 City of Dublin.

A SECOND LETTER to the Commons
 of the City of Dublin.

A PROTEST of certain of the Commons
 in the Common Council at Dublin, with
 Remarks, and an Introduction by Way of
 Dedication to the Courteous Reader.

PROCEEDINGS of the Sheriffs and Com
 mons in the Common Council of Dublin,
 with the several Reports and Messages
 passed between them and the Lord Mayor
 and Board of Aldermen, &c.

A VINDICATION of the Rights and
 Powers of the Board of Aldermen, &c.

A

PROTEST

Of Certain of

The COMMONS,

IN THE

Common-Council of DUBLIN,

WITH

REMARKS and INSTRUCTIONS

By way of

DEDICATION to the COURTEOUS READER.

*Adjuncta est appetitio quædam principatus ut
nemini parere animus bene a natura informatus ve-
lit, nisi præcipenti et docenti, aut Utilitatis Causa,
justè et legitimè imperanti: ex quo animi magnitudo
existit, humanarumq; rerum Contemption.*

Cic. de Offic. lib. i.

Printed in the YEAR 1742.

PROTEST

of the

THE COMMONS

IN THE

Commons-Corner of Dublin

WITH

REMARKS AND INSTRUCTIONS

BY

DEDICATION to the Committee of Supply.

to the Committee of Supply, Dublin, on the 1st of October, 1791.

Printed by the Author.

COURTEOUS READER,

YOU must, no doubt, have heard, of the late Disputes between the **ALDERMEN** and **COMMONS**, of the City of **DUBLIN**.

Some of us **COMMONS** (for I own I am one) think we have made our selves of so great Importance by them, that we cannot help telling it to every Body that will hear it.

The **ALDERMEN** affect to laugh at us, or they really are afraid of us, and from one or both of these Motives will be inclined to speak.

And **COURTEOUS READER**, You are a very inconsiderable Person, if you have no Acquaintance with either **ALDERMAN** or **COMMONER**.

But though you may have heard, that we have had Disputes, You may not perhaps have heard the Occasion of them.

And so I will tell you——

It is a Contention for **POWER**.

THIS is the Accusation of the **ALDERMEN** and the Confession of the **COMMONS**,

The **ALDERMEN** have, we think, usurped some Power that belongs to us,

And

And we want to have it again,
And they will not part with it.;

Because they have shewn so much Virtue in the Exercise of their Power, as never to have prefer'd their own *Relations* or *Friends*, from the Country, to Offices in the City, but have always dispos'd of them to Citizens, and to Citizens of the most noted Merit, Capacity, and Fortune.

Because in their Opinion, *twenty four Men* of Sense, (seven of which by the bye, make a Majority) are better able to govern, than a hundred and odd *Mechanicks* and *Tradesmen*, which they themselves have pick'd and cull'd out of the Returns made them by the Corporations.

And as they are properly the Electors, and the Commons their Creatures, they think it unnatural that the latter should rebel.

And so they are determin'd (if they can) to keep the Power in their Hands for two Years longer, and then they'll take care to admit no Body in the **COMMON COUNCIL** that will offer to controul them.

Now hear what the **COMMONS** say.

They say, tho' it be true that the **ALDERMEN** have elected them from a double Return made by the *Corporations*, yet they humbly conceive, that the present **COMMONS** were elected by the Board upon a Supposition that the Persons returned with them, were Men of more Danger to the Powers assum'd by the **ALDERMEN**

MEN, and of Consequence more *Virtuous* than those they elected.

So they do not look on this as an Obligation laid on them.

They say the *Commons* have by Right a Negative on the Election of *Aldermen*, and that if the *Aldermen* elect the *Commons*, the *Commons* ought to elect the *Aldermen*.

This would be as the Lawyers call it, *Quid pro quo.*

They imagine they are as capable of Governing as the *Board*, and tho' the *Commons* be not Men of as *shining Parts*, and *polite Education* as the *Board of Aldermen*, yet in the *Magnitude of Counsellors there is Safety.*

And in the Book of Proverbs there are very excellent Maxims.

They say, that Power is better lodged in the Hands of the *Many*, than in those of the *Few*, and they are glad to testify to the World, that they retain their true Principles of *Liberty*.

Who knows but this may frighten the *Pre-tender* ?

I am sure he could not conceive the least Hopes of (what he calls) his *Restoration*, if he was persuaded that every Corporation in *Great-Britain* and *Ireland* was as tenacious of those Principles.

But take this with you.

I have been speaking of the *Majority* of the *Commons*, which to your Comfort *Mr. Whig*, and

and to your Grief *Mr. Tory*, has been in most of our Divisions two to one.

And that is odds.

The *Minority* is such as would be glad to leave us and sit at the *Board*, or such as would be glad to stay among us, and would do any Thing to engage the *Aldermen* to continue them the next *Election*.

Of such whose Trade and Livelihood depends on the *Custom* of their Superiors, and are afraid to lose them; for, you must know *courteous Reader*, That most of us keep Shops, &c. and *Aldermen* have Wives and Daughters, and the *Aldermen*, their Wives and Daughters, eat and drink, wear Shoes and Stockings, and take *Physick*.—

And there are some very honest Men in this same *Minority* who act from none of these Principles, but are influenc'd by particular Friendships and Affinity to particular *Aldermen*; or, by I know not what Prejudice, or Love of Peace which they think preferable to any Advantage can be got by *Power*.

Now I have told you the *Actors*, you shall if you please have the *Comedy*.

I do not care a Pin tho' the Faction should call it a *Farce*.

The *Commons* when they first met after their *Election*, had in View two Things.

First, to assert their own *Rights*.

Secondly, to put the Business of the City under

der proper Regulations, and thereby endeavour to extricate it out of Debt.

They began with the last, because the other would in Course follow.

And they did draw up some Regulations, to oblige the Committee's to do their Duties. And this caused much Disturbance.

The Aldermen would not receive the Petition of the Commons for those Regulations, because it was, they said, contrary to their Rules to receive any Petitions that had passed the Commons, and especially on the Day of the Assembly.

And so we broke up.

And the next Assembly Day they received our Petition.

And so we have recovered our Rights of proposing Matters to them, which they till then had denied us, but would barely allow us a Negative on their Resolutions.

And, forsooth, us'd generally to be angry when we expected that Priviledge.

Our Petition was then received, and referred to a Committee.

And in this Committee there was much wrangling.

And the most useful of the Regulations was, rejected in the Committee.

And if you would know what that Regulation was,

I will tell you.

It was to enable the Committee to do Business in the Absence of the *Lord Mayor* and *Sheriffs*.

And

And the Committee reported, that it was their Opinion, that the *Lord Mayor* and *Sheriffs* ought to be on Committees, and that the Committees should have no Authority or Power but when the *Lord Mayor* and one of the *Sheriffs* were present.

And to the other Regulations the Committee consented.

And the *Commons* would not make a Law that the *Lord Mayor* and one of the *Sheriffs* should be always two, to make a Committee.

And the *Aldermen* would not pass the Rest of the Report of the Committee without that Clause.

And so the *Assembly* broke up in Warmth. And in the next *Assembly* there was a Petition passed containing the principal Regulations desired, and the Clause concerning the *Lord Mayor* and one of the *Sheriffs* was left out.

And we proceeded to do Business; the *Aldermen* triumph'd, and all was Peace.

But so it happen'd, that

A Motion was made, that an Account of the Arrears of Rent due to the City should be laid before our House.

And the House did give Directions to the Receiver General to draw up such Account.

And the *Aldermen* did forbid the Receiver General to give that Account to the Commons.

And thereupon they grew angry.

And we ordered the following Resolution to be entered into our Journal.

Resolved,

Resolved, That any Directions of the Board of Aldermen to any Officers of the City of *Dublin* to refuse Papers to this House relating to the City Affairs, when required by this House, is an Infringement of the Rights and Liberties of this House, and an Obstruction to the publick Busines of the City.

Now you are to understand, *courteous Reader*, that we determine all Matters of Dispute by Ballot.

The Reason is, that the Weak and Timorous among us, may vote according to their Consciences, without fearing the Censure or Displeasure of their Friends at the *Board*.

And that the *Board* should not know *Who and who's together*.

And now to evade that, some of the Commons have got a *Protest* drawn up against the said Resolution.

And their *Agents* procure as many Subscriptions to it as they can.

And by this new invented Method, they and the *Board* hope to distinguish those who are on their Side, from those who are on the Side of *Liberty*.

And now I will tell you a Story.

A Soldier was condemned in *Scotland* to do Penance in a Sheet at Church for simple Fornication.

And he was a modest Man, and loath to be distinguished.

And his Brother Soldiers took Compassion

on him, and they all appeared in white Sheets in Church with him.

And it was impossible to distinguish the Guilty from the Innocent.

And if my worthy Friends of the Majority of the *Common Council* will take my Advice,

They will all of them sign this Protest.

And the *Aldermen* will not know who are in Earnest or who in Jest.

And they will be greatly disappointed.

And now, *courteous Reader*, I will not detain you any longer from the Pleasure of Reading this famous Protest.

To which I have join'd some Remarks by way of Annotations, for your better understanding it.

And for all my Trouble I only request,

That you will not lend this Pamphlet to any Body who has wherewithal to purchase it.

And that you will not give your Opinion about it, if you think it not worth Reading.

Because I would have as many Copies sold off as possible.

That my Printer may not be discouraged to print a second Part.

Which, I hope, will contain some Particulars worth your Knowledge, and perhaps the Names of the Protestors, if the Subscription should be ever compleated.

And in Hopes that you and I shall be better acquainted, I subscribe,

Your Friend, and Humble Servant.

P.S. I will not tell you what Trade I follow, for fear Alderman—— should smoke me.

PROTEST

Of Certain of

The COMMONS.

“ **W**HEREAS at a Post Assembly held
“ the 25th of *June* last, the Clerk
“ of this House was ordered to serve
“ the Receiver General with an Order from
“ this House, to lay before them an Account
“ of what Arrears of Rent were due to the
“ City to the 25th of *March* 1742—and by
“ whom.

“ And whereas at *Midsummer* Assembly a
“ Petition of Certain of the Commons, pray-
“ ing for an Act of Assembly, that the Re-
“ ceiver General might be ordered within a
“ Week to prepare and bring into the Town
“ Clerk’s Office the Accounts abovementioned,
“ for the Perusal of the Members of both
“ Houses,

“ Houses, passed the Lord Mayor and Board
“ of Aldermen, and being sent into this House,
“ was rejected.

“ And whereas a Message was sent to the
“ Receiver General to ask for the List of Ar-
“ rears required to be laid before this House,
“ pursuant to their Order of the 25th of June,
“ and upon his returning for Answer, That he
“ was always ready and willing to obey the Com-
“ mands of the Sheriffs and Commons in any
“ Thing, But was advised by the Board of Al-
“ dermen, that it could not so properly come
“ in, but by the Consent of both,

“ The House came to this Resolution, That
“ any Directions of the Board of Aldermen to
“ any Officers of the City of Dublin, to refuse
“ Papers to this House relating to the Affairs of
“ this City when required by this House, is an
“ Infringement of the Rights and Liberties of
“ this House, and an Obstruction to the carrying
“ on the Publick Busines of this City.

“ We the subscribing Persons, Members of
“ this House, do enter this our Protest against
“ the whole Proceedings in the above recited
“ Affair, for the following Reasons :

1st. “ Because the Receiver General is not
“ (as we apprehend) accountable to, or obli-
“ ged to obey either the Order of the Lord
“ Mayor and Aldermen, or the Sheriffs and
“ Commons separately.

Remark

Remark 1st. The Receiver General was very willing to obey the Commands of the Sheriffs and Commons, until he was forbid to do so by the Board of Aldermen, extraordinarily assembled for that Purpose; and if he is not obliged to obey either House separately, how came he to obey the Aldermen in with-holding those Papers?

2dly. " Because the Board of Aldermen, " by sending the above Petition for our Con- " currence, had (as far as in them lay) suffi- " ciently provided for the List of Arrears be- " ing laid before us, in a Way which we con- " ceive to be more agreeable to the Constitu- " tion of the City.

Remark 2d. If the Commons had agreed to this Method, they would have given up their Right of calling for such Papers and Informations as they may from Time to Time want, which Right they judge of more Importance than the Papers they called for —

3dly. " Because we conceive the Resolution " in which the Board of Aldermen are cen- " sured as obstructing publick Busines, to be " unjust and injurious, which with much more " Force, might be urged by them against this " House, since no Objection could possibly lie " against its being done by Act of Assembly, " whereas there may, and do, strong Objecti- " ons

“ ons lie against either House assuming an un-
“ precedented Power to do it separately.

Remark 3d. The Objection against its being done by Act of Assembly, is in the above Remark; and I wish the PROTESTORS had given some of those STRONG OBJECTIONS which may, or do, lie against either House separately assuming to call for Papers or Instructions.

If it be because it is *unprecedented*, I wonder how they come to make a PROTEST, have they any Precedent for it? —

4thly. “ Because an Opportunity of examining the List of Arrears, which it appears both Houses thought necessary to be looked into, is by this unhappy Difference, at least for this Time, lost.

Remark 4th. You may without all this Bustle, see the List of Arrears to *Michaelmas*, in the Tholsel Office, unless the Town Clerk has received Orders to refuse you the Inspection of the City Accounts, which I should not be much surprized at, since he has had Orders to refuse the Sight of the *Monday Book* to the Committee of the Commons —

And if you examine this List of Arrears, you will find its Amount is *3935l. 19s. 1d.* And some of our Tenants owe us some *Ten*, some *Fourteen*, some as far as *Thirty two* Years Rent —

5thly.

5thly. " Because if it were a ¹ doubtful Matter, which however we are far from admitting, we think that this House ought in Wisdom and Prudence, at all Times most cautiously to avoid ² unnecessary Contentions and Disputes with the other, but more especially at ³ present, when by ⁴ the many necessary Publick Works the City is carrying on, a Difference between us might be attended with Consequences fatal to the Whole.

Remark 5th. , *A doubtful Matter!* I don't know what Matter you talk of—

² Our *Disputes and Contentions* I hope will be found to be far from unnecessary, if by them we can, as I hope we shall, recover our Rights ; and ³ the present is the most proper Time to carry them on, Because the present Set of Commons will be dissolved in two Years, and their Successors may be as remiss in asserting their Liberties, as their Predecessors seem to have been : And as ⁴ for the *many necessary Publick Works* the City is carrying on, it may well be called in *Question*, whether they were not better suspended until we had found out a Method of paying for them, and of carrying them on with Regularity and Frugality, which the Commons have always had in their View to do : And they have just Reason to suspect, that the Business and Works of the City, have not till now been carried on with all the Frugality

gality imaginable, since they find the Debt of the City to have of late increased, and to amount now to about **THIRTY THOUSAND POUNDS Sterling.**

Here endeth Part the First.



RECEIVED

TWO
LETTERS

TO THE

COMMONS

OF THE

City of DUBLIN;

ON THEIR

DISPUTES with the B— of A—.

RECEIVED

—4—
Disturbances with the B — of 7 —
ON THEIR
CITY OF DUBLIN
OF THE
COMMONS
TO THE
TREASURER
OF THE
TWO
TERRITORIES

A
LETTER
TO THE
COMMONS
OF THE
City of DUBLIN.

*The Love of Liberty with Life is given,
And Life itself's th' inferior gift of Heav'n.*

DRYDEN.

The Second Edition.



DUBLIN.

Printed in the Year, MDCCXLIII.

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A

LETTER

TO THE

Commons of the City of Dublin.

GENTLEMEN,

THE Disputes you have been lately engaged in with the *Board of Aldermen*, and the generous struggles you are making to recover the *Rights* and *Liberties* of your Body ; which you imagine to have been taken away from you, do justly intitle you to the thanks of your Fellow Citizens, and to the Wishes and Assistance of every Man who is a real Lover of *Liberty* and *Truth*.

THE Cause you are engaged in, is the Cause of *Liberty*, and your first concern should be to distinguish such among you who are the *real lovers* of it, from those who are merely *Pretenders* ; or at least, know not what it truly consists in : That there are some of the latter among you, you have had a strong proof on a *late* Occasion ; you have seen *Men* who claim it as a Part of their natural *Liberty* to *dissent* from the *Established Church*, who constantly Drink in *Public* the

Rights and Liberties of the City of Dublin, and in private the Memory of Oliver Cromell: These very famous asserters of Liberty, both in Church and State, you have seen joyning in a PROTEST against a Resolution of your House, founded on Reason, and breathing nothing but Truth and Liberty. As I have a great regard to the Character of some of thole Gentlemen, who, I am persuaded, are more misled in their Judgment, than in their Will: I will endeavour to explain to them, and to you all, what *Liberty* is, that you may pursue the Thing itself, and not be deluded by *Words* and *Professions*. I hope this may bring over to your side some of those who have acted against it, and may confirm in their Sentiments that *honest Majority*, who have of late acted up to its Dictates.

CIVIL LIBERTY is distinguish'd into two sorts, the *Liberty* of A Community, and the *Liberty* of its Members. By the *former* is understood the Independence of a Community on any other Power: Thus the Kingdoms of *England* and *Poland* are *Free Kingdoms*, because no foreign Power has a Right to controul their Governments: And the *City of Dublin* may be said to be a *free City*, so far as the Government of it (in whose Hands soever it happen, to be) is independent on any other.

THE *Liberty* of the Members of a Community consists in every Individual's having so much Power as is consistant with the good and preservation of the whole. THUS

THUS the People (as well as the Kingdom of *Eng-*
land) are Free, because they all have, or may have
some share in the Legislature; that there is no one
necessarily excluded from any Place of Profit, Honour
or Power; and that their Natural Liberty is restrained
only by Laws of their own making; and *thus* (though
the Kingdom is) the Peasants of *Poland* are *not free*,
because they have *no* share in making Laws, because
their Liberty is restrained without their consent, and
because they are by their Birth rendered *absolutely* in-
capable of holding any Offices of Power, or Honour;
which are confin'd entirely to the Nobility of that
Aristocratical Kingdom.

By *these* Instances it appears that a Nation, or
Government may be free, and the Subjects of it may
groan under the most deplorable *Tyranny*.

LET us now apply this to the City of *Dublin*:
If, by the *Rights* and *Liberties* of the City, the pretend-
ed or mistaken asserters of Liberty above-mentioned
mean the *Power* of the *Goverment* of it in *a few Hands*,
I think it appears, from what has been laid before,
that they are *Rights* and *Liberties* which *they* and every
true lovers of Liberty ought to be no more concerned
for, than the Peasants in *Poland* ought to be concerned
for the support of that *Government* under which *they*
are most cruelly oppressed.

BUT if the *Rights* and *Liberties* of the City consist

(as

(as in Fact they do) in this, that every individual Member of it may enjoy all, and every Power and Priviledge granted to him, in as ample and full a Manner as is consistent with the good of the whole, *these are Rights* which are Indeed worth asserting : This is the Work, I think, you are engaged in, and that it becomes the immediate concern of every Citizen to carry it on, is what I hope they will all (after the Example of the Corporation of *Barber Surgeons*) give full proof of.

WERE the Situation of any Man such, that both he and his Posterity was by it *necessarily* excluded from holding any Office of Trust, or Dignity ; or, to speak more strongly, was there in the State that Place or Employment to which he and his Family were under an imposed Incapacity of arriving at ; Would not such a situation be worse than if that Incapacity was removed ? And if it be true, that by the present Constitution or Custom of the City, the whole Power of Electing Magistrates be in the Hands of a very few, who must, from the very Nature of Mankind, bestow those Offices on their own Relations or Friends, is it not the concern of every *Citizen* who has a regard to himself, or his Posterity, or to the Majority of his fellow *Citizens*, who must necessarily be in the same situation with himself, nay more, is it not his duty to endeavour to put those Honours and Places in the disposal of the *Many*, that he, his Family, and in general any *Citizen* may by *Merit* and the *Public Voice*, be elected into them ?

It

I am very sensible of the Cavil will be made here. It will be said, your Contention is only for Honours and Places ; the Mask is fallen of, the Rights of the Citizens are no more your motives, you want to be *Aldermen* and *Lord Mayors*, and is it worth the Public's Care, who are in and who are out ?

I answer, that it is the Duty of every one to desire Power ; if he thinks he can serve his Country in the Exercise of it : And that the Man who is insensible to Honour, is unworthy of it ; and to lay the Way open to Power and Honour to every Citizen, is asserting their *Rights* and *Liberties*, as has been already shewn.

SINCE then it appears that it is your *Duty* to prosecute what you have begun, I shall make use of the Right every Member of a Community has to give his Advice about the concern of the Public, and point out the Methods which I think you ought to pursue in Order to meet with Success.

THERE has been a Doubt raised amongst you, whether you have not a Right, jointly with the Board of *Aldermen*, and in the Government of the *Blue-boat Hospital*. You have referred this to the Consideration of a Committee, and their *Report* is the first Thing will fall under your Consideration next Assembly Day.

If it appears to you, by that *Report*, that you have such Rights, one would think it would be no Difficult Matter to persuade you to assert them. The Method of doing so, is to proceed with *Unanimity*, *Calmness* and *Resolution*. Even supposing that these Matters should appear *doubtful*, it is your Duty to endeavour to clear those *Doubts*; it is the *Aldermen's* Interest to have them set in a true Light; should they refuse to concert Measures with you to come to the *Truth*, it ought to be a strong Presumption with you, that they are afraid of seeing *it*, and you ought to exert your utmost Power to oblige them to *it*.

WHATEVER Powers or Privileges the Board claims, they do not pretend to transact the Affairs of the City, or to dispose of any Money, without your Concurrence. By this Means you have it in your Power to put a Stop to all Business whenever you please, and this is the only Means you have at all Times to oblige the *Aldermen* to do what is reasonable.

I know very well what Clamours will be raised by your Enemies, if you proceed to such Extremities, But they ought to have no Weight with you. If what you demand from the *Aldermen* be reasonable, 'tis they, and they only, will be the Cause of the Inconveniences which the necessary Obstruction of the publick Business will carry with it. Be always of the Disposition the *House of Commons* in *England* was in, when King **CHARLES II.** so often pressed them for Money

ney to preserve *Tangier*. " I am not insensible of the Importance that Place is, to this Kingdom, " said a worthy Commoner of that Parliament, " but I know our Liberties are of far greater Importance, let me be sure of preserving them, and I shall willingly consent to give the King any Money he wants for *Tangier*, or any other Necessitys of the Government." Shew yourselves ready to consent to every Thing necessary to support the Government of this City, but let this Government be established on *Truth* and *Liberty*. Whilst you think it is not so, all the Concurrence you give to the Support of it, is making Shackles for yourselves. Remember you have but a short Time to bring to an End the Work you are engaged in; in about two Years, the Power will devolve to other Men, who may not have the same Spirit of Liberty you seem to be actuated with.

AFTER you have asserted the *Rights* of your Body, and in them those of your Fellow-Citizens, your *next Care* ought to be to provide for the Good, Advantage, and Power of the *City*.

IT is an old established Maxim that *Power follows Riches*, so that the best and surest Methods of advancing the Power and Dignity of this City, is a frugal Application of its Revenues, and an Endeavour to increase them,

IN order to this, it is incumbent on every one of you to be acquainted with the State of the City-Revenues, and Disbursements. You have already voted that it would be of great Advantage, if the *Accounts* delivered you were *printed* for the Use of the Members of the Council: You have not as yet desired the Concurrence of the Board, it is to be hoped *they* will not refuse it when *demanded*. I cannot but think that the publishing the *Accounts* will remove the *Prejudices* which the World is too apt to entertain against the *Management* of this City: It would shew them we have it in our Power, not only to pay the Interest of what we owe, but also to extricate ourselves out of Debt, and to become, (if we set heartily about it) what we formerly were, *A rich and powerful Corporation.*

I shall barely touch upon those Matters, which were of late the Occasion of your Disputes, but which you have compromised. Experience will soon teach you whether the *Expedients* agreed to about the *Committees* will have answered *their* Ends, if *they* should not, and that you still find that the *Committees* cannot do all the Good they might whilst they have it not in their Power to act in the Absence of the *Lord Mayor* and *Sheriffs*, it will then be incumbent on you to insist again on what occasion'd some of your late Differences, that the *Words of which the Lord Mayor and one of the Sheriffs to be always Two*, shall be left out of the Orders which constitute your *Committees.*

How

How negligent your *Committees* have hitherto been-
appears evidently from the Behaviour of the Commit-
tee appointed for ascertaining the Value of the *Public
Employments*. You have purchased the Presents
made to the *Lord Mayors* on the Disposal of them,
at no less a Sum than 150*l.* per *Annum*, and, since
that Time that Bargain has been made, your *Commit-
tee* have seldom met, and have certainly done you
little Service. For, excepting the Regulation with-
Relation to the *Officers of Mace*, What has been done
by that Committee, for three Years past? There is
now a *Vacancy* in an *Office* of considerable Profit;
what Benefit the *City* is to receive by the Sale, or
from the Sallery of that Employment, is not yet Re-
ported. I hope, (let who will get it) that you will
not dispose of it on worse *Terms* for the *City* than the
Lord Mayor and *Sheriffs* formerly obtained for *them-
selves*. The *Candidates* for it are many, it is your
Duty to *Examine* their several *Pretensions* and *Merits*:
Should there be *one* among them more capable than the
rest for that *Post*, *one* who has served the *City*, or his
own Corporation, in any remarkable Manner, you will
no doubt prefer *him* to any other Candidate, tho'
back'd by more powerful *Friends* and *Alliances*.

I shall end this Letter by again exhorting you to
UNANIMITY. Remember, the best Expedient the
Enemies of Liberty can make use of to defeat your ho-
nest Designs, is to *divide* you.

Burr

BUT let neither their *Menances*, or *Flatteries*, or any *Insinuations*, which may tend to cauise any *Jealousies* among you, divert you from the Work you have in hand, but in the Prosecution of it, **BE YE STEDFAST AND IMMOVEABLE.**

I am,

GENTLEMEN,

Your most humble Servant,

A CITIZEN.

OCTOBER the 11th.

1742.



A SECOND
LETTER
TO THE
COMMONS
OF THE
City of DUBLIN.

PROV. Chap. xi. Vers. xiv.

Where no Council is, the People fall; but in the multitude of Councillors there is safety.



DUBLIN: Printed in the Year, 1743:

А. ЗЕКОНД

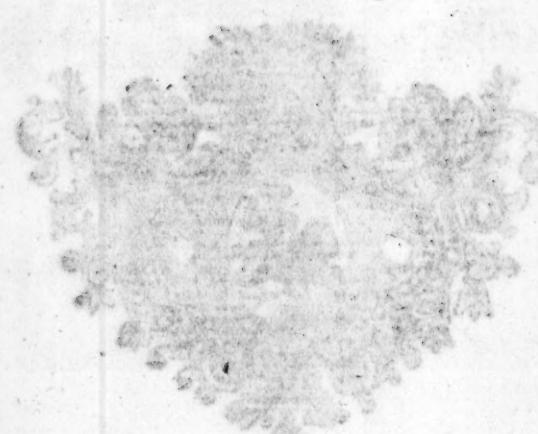
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СИМУСТИЛ



СИМУСТИЛ : Книга для детей

A S E C O N D

L E T T E R

T O T H E

Commons of the City of Dublin.

GENTLEMEN, your most respe^tble Com^{tee} of

IMOST sincerely Congratulate you on the continuance of that Spirit of *Liberty*, which I recommended to you in my former Letter: I cannot flatter myself that what I wrote did your *Party* any *Service*; you were then in the prosecution of the *Designs* you are yet pursuing, and which you have Reason to Hope for Success in, if you do not grow Negligent, and I shou'd not have troubled you with a *Second Letter*, had I not thought it necessary to *Vindicate* you, from the *Aspersions* which have been thrown on your Conduct, either by your *Enemies*, or by People entirely ignorant of your *Designs*.

Y O U R Adversaries have not thought proper to make any Answer, to what has been published in your *Defence*: Rather than *Appeal* to the *Publick*, they chuse to defame you in *private Clubbs*, where their *Jokes* pass for *Wit*, and their *Invectives* for *Re^soⁿs*, with their Flatterers and Dependents, and to

misrepresent your Proceedings to Men, whose high Station give you no Opportunities of informing with the true State of your Case.

You are derided by the Name of *Patriots*, and abused by the Name of *Tories*: You are accused of being inspired with a *Spirit of Faction*, and of being entirely *led* by a few Men, who raise all this Disturbance on purpose to be bought off; (as it has happened to other Patriots in other Countries:) You are accused of taking from your Chief *Magistrate* the *Revenues* to which he has an undoubted Right: Of *Disturbing* the City's *Peace*, and assuming to yourselves Powers and Prerogatives unknown to your Predecessors; and on you is laid all the Blame, if the City wants *Water*, its *Works Repairs*, or even its *Streets* want *cleaning*; and you may (on more Accounts than one) thank Heaven for the Plenty we enjoy; for, had the last proved a bad *Harvest*, I should not wonder if even the dearneſs of Bread was laid to your Account.

As to the Name of *Patriots* and *Tories*, as your Adversaries are pleased to join them together, I am contented they make the most of 'em: And that the World shou'd believe (what I really think is Fact) that they are neither the *One* nor the *Other*; tho' how it is possible for a *Whig* to be *No-Patriot*, is what I shall leave with them to Explain.

As to *Faction*, I must beg leave to borrow from a
 * justly celebrated Writer, the *Characteristicks* which
 distinguishes *Party* from *Faction*.

“ *By Party* (says he) is meant a National Di-
 vision of Opinions concerning the *Form and Me-*
 thods of Governing, for the Benefit of the *whole*
 “ *Community*, according to the different Judgments
 “ of Men ; and *Faction* I conceive to be a Set of Men
 “ armed with *Power*, and acting upon no one Prin-
 “ cipal of *Party*, or any Notion of *Publick Good*,
 “ but to preserve and share the *Spoil* among them-
 “ selves.

LET it, by these Rules, be try'd, where the Spirit of *Faction* is ; whether in a Set of Men, who meet together, and determine *beforehand* among themselves, what shall be done at Council ; and thereby exclude, from any Share in the Government, those of their Brethren who are not Members of their *Club*, or, in a Number of Men, who are *united* purely by a Desire of serving the *whole*, without *Exclusion* of any, and in Designs to which they are not actuated by any *private Interest* ? Whether your *Leaders* (if you have any) are actuated by *private* or *publick* Interest, I will not take upon me to determine ? I hope you will have always *Wisdom* enough to consider what

* *Author of the Dissertation on Parties.*

† *Craftsman*, Numb. 673.

is proposed to you, and not the Persons who propose it.

THE Case of the *Mayor's Revenues*, I take to be this: King *Charles* the Second did Grant to the Citizens of *Dublin*, 500*l.* per *Ann.* in Consideration of the great Losses they had suffered in Defence of his *Royal* and *Pious* Father. Now this Sum has, since that Time, been usually granted to the *Lord Mayors*: It was once refused, and this Refusal came from the Board of Aldermen, (the *Lord Mayor* not being, perhaps a Member of the then ruling *Club*,) the Affair was contested before the *Privy Council*, who Determined, That this 500*l.* belonged to the *City*, not to the *Mayor*; nor will it at all follow, because the *City* have usually given 500*l.* to the *Lord Mayor*, ever since King *Charles's* Grant, that the King did intend it for that *Use*: And this is certain, that the 500*l.* was always paid by the *City Treasurer*, on the Grant of the *City*, at such *Times* as in the several Grants are specified; not by the *Treasurer of Ireland*. And (what sets this Matter beyond Dispute) the *Lord Mayor*, on the *City's* Grant, receives this 500*l.* — *neat*, without any deduction of the *Fees* paid for that Sum by the *City*.

THIS *Sum* being then intirely at your Disposal, you ought to be careful how you dispose of so considerable a Part of your *Revenue*: I am assured your Intention never was to take it away from the *Lord Mayor*,

Mayor, but only to *Postpone* your Granting it, or at least, *Part of it*, until he had (by his *good Conduct*, during his *Administration*) made it appear, That he was Intituled to this *Favour*, and that this Proceeding is both *Reasonable and Just*; will, I think, appear from the following *Reasons*.

First, **T H A T** one Part of the *Revenues* of the *Lord Mayor* arrises from his *Profits* by the *Office of Treasurer*, which is *intirely* (by the *New Rules*) in the *Disposal* of the *Aldermen* and never given him until he has served the *Mayoralty*; so that the *Mayor* is, for the *Revenues* of this *Office*, which amount to about 200 l. a *Dependent* on the *Board*; and, whilst the *Commons* have nothing to *give*, it may be a *prevailing Argument* with the *Mayor*, to *oblige* the *Aldermen*, *preferably* to the *Commons*.

Secondly, **T H A T** since the *Augmentation* of 400 l. to the *Lord Mayor* has been discontinued, and since the 150 l. *per Ann.* has been granted to them in lieu of what they used to get by the *disposal* of *City Employments*; the *Lord Mayor* and *Board of Aldermen* have *nothing*, besides this *Sallery* of 500 l. to *expect* from the *Commons*. and *Consequently no other Motive* of *Interest* to keep fair with them, When the *City* used to grant *Four hundred Pounds Augmentation* to the *Mayor*, it was not, till he was out of *Office*, and upon an *Affidavit*, that he had not *purchased* the *Office of Sheriff* or of *Alderman*, nor had taken any *Money*

Money for his *Recommendation* of any Person to those *Places*. If any *Place of Profit* became vacant during his Year, it was his Interest to have it fill'd up, because if it lay open till his Successor's Time, he Lost the Benefit of the Sale ; it was therefore *his Interest* to Court the *Commons*, to admit the Person with whom he had made the Bargain ; but *at present*, he may, if he should think proper, take Money for his *Recommendation* of any Person to the Office of *Alderman or Sheriff*, he may keep *Places vacant*, unless the Commons accept of *whomever* the Board pleases, and he must *incline* to the Pleasures of the *Board*, because he has a *Dependance* on them for 200*l* — which in the Minds of most Men, even Men of Wealth and Station, may possibly weigh something.— Not to mention, that it is *natural* for Men to be *byass'd in favour* of that *Body* of which they are, and must continue *Members*.

Lastly. **T H A T** it is no *Injury* to any Magistrate to be *Dependant* on the Good-will of his *Fellow Citizens* ; their *Favour* is the truest *Test* of his *Merit*, and he who Cares not for the Affections and Esteem of his *Fellow Citizens*, or dares not trust to them, is *unworthy* of their *Favour*.

IT is true, that, a Motion for *not granting* the 500*l.* to the Lord Mayor till he was *out of Office*, was made in your House and was unfortunatly dropt, but the *Circumstances*, when that Motion was brought in, makes the

the ill Success of it *Excusable*, the *Aldermen* had, that Day, *Elected a Lord Mayor*, and refus'd to Elect, for *Sheriff* the Person whom, according to Custom, he had *nominated*; an Indignity of which they can give no Instance for many Years past, Excepting *One*, when the *Aldermen* refus'd to Elect a *Man* of the most considerable Figure and Worth in the Trading part of the City, who was Nominated by a *Presbyterian Lord Mayor*: *In this Circumstance* it was fear'd, that your agreeing to the Motion would have been interpreted as your joyning with the Board in Disgusting a *Man* of Worth from Serving the *Mayoralty* next *Year*; and we find, that, tho' this was your *Reason* for not coming into such a Resolution at that Time, yet your Enemies suggest, That you are the Cause why *A—n H—* has *declined* the *Office of Lord Mayor*; an Imputation which that Gentleman, I am sure, is ready at all Times to clear you of.

HOWEVER it be, the ill Success of that Motion did you no small *diservice* in the World: It was Reported, that you were *Divided* amongst yourselves, and incapable of *pursuing*, with any Resolution, the *Ends* you had proposed; and this gave such high *Spirit* to your *Opposers*, that they thought it the *propest Opportunity* of making new *Shackles* for you; they *threatned*, to leave you *without Magistrates*; they *insisted*, That *no Man* would undergo the *fatigues* of the *Mayoralty*, unless he was *before hand* assured of getting the usual *Salary*, or that, if you refused to

Insure it, the Lord Mayors would no more reside in Dawson-street-House, nor indulge you any longer in Cakes and Wine; and the Board did actually postpone the Election of a Mayor, until they tryed the Success of a Petition to grant beforehand, to the Person whom they would Elect, the Salary, which never was before granted till the Mayor had been sometime actually in Office: I am ashamed to say it, there were above a Score of you who Voted for passing that Petition; but it did not succeed,; you have it still in your Power to Grant or Refuse the 500 l. as you think best; and tis a Power which I hope no body will ever again attempt to take out of your Hands.

I need not Remind you that this 500 l. is not the most considerable Part of the Mayor's Revenues, he has Independant of you, above Twelve Hundreds Pounds.

As to disturbing the Peace, that is an Inconveniency which must necessary arise, from any Efforts towards a Change in a Constitution, as Water must be disturb'd in order to clear its Channel, it becomes a Crime, only, when there is no Occasion for a Change, or when that Change can be brought about by other means; now in order to Judge whether this Inconveniency ought to be laid to your Charge, it is necessary to Examine what those Changes are which you have attempted, and if it be found that they are Expedient, the Disturbanci which may arise in the Prosecution of them, ought

nd I believe will be laid to the Charge of those who oppose you.

YOUR first Contention was about your Rights of preparing Matters for the publick Good : It was for a long Time the Custom, and look'd on as a Law, the Foundation of which was thought a Presumption to enquire into, that your whole Authority consisted in putting a Negative, when you thought it expedient, on the Resolutions of the Aldermen ; they would not permit you to make any Alterations in the Orders, which they made on the several Petitions laid before the Assembly ; you were to Allow or Reject those Orders, in the way they were sent down to you, (after the Manner that the House of Lords act with Relation to the Money Bills :) You thought this hard, and were determined to try on what these Contentions were founded, and you sent (on an Assembly-Day) a Petition to the Board for their Concurrence ; the Board, you may remember, would not consider it, they told you, it was their Custom never to Read any Petitions but what were lodg'd a Day before, in the Town Clerks Office ; this you judg'd a down right Denial of your Right, since as you did not meet, as the Board does, the Day before the Assembly, to Consult what Business was to be done ; you had no Opportunity of preferring Petitions, unless you were allowed to send them on the Assembly-Day : This Dispute took up all your Time that Day, and no Business was done ; and for a whole Week there was no Pro-

vision made for the Pipe-Water, Scavengers, &c. At the End of which time, you were again Called together, and the Aldermen, after Recommending to you the Dispatch of the necessary Business of the City, did, (on the Oppinion of our Recorder, That you had a Right at all Times to prefer Petitions to the Assembly) Declare, they were ready to Receive and Consider any Petition you had to send them.

THIS Right being then allow'd you, you made Use of it in the properest Manner, by proposing in your first Petition, certain Regulations for the better carrying on the City Business; one of those Regulations was judged by the Board an Infringement of their Prerogative, to promote or retard the publick Good, as they think most convenient; it was to enable Committees to transact the Business committed to their Care, even in the Absence of the Lord Mayor or Sheriffs: Now tho' it be difficult to say in what it would derogate, either from the Dignity or the Power of those Gentlemen if they were even excluded any Votes on Committees (which was not intended) since all Acts of Committees must be confirmed by Acts of Assembly, before they are of any Force; yet you found them as tenacious of the Custom of their being made necessary Parts of Committees, (so that in their Absence nothing can be done) as if their whole Dignity and Power depended on that Circumstance: The Board insisted at first on the Illegality of any Committee where the Lord Mayor and Sheriff's were not Parts; but they cou'd

cou'd produce no Law in their Behalf, nor any Reason to set aside the Precedents of the Committee of the Ballast-Office, of which the Lord Mayor and Sheriffs are no Part, and of other Committees, of which they have been excluded, or at least not Named as Persons *Sine quibus non*; they then insisted on the Custom of our Predecessors, who they say were wiser and better than we are: What the Predecessors of the Board were, I will not take upon me to Determine, but I hope I may be allowed to say, That the Predecessors of the Commons were not wiser and better than you, had they been so, they would not have suffered the Rights of their Fellow Citizens, and their own, to have been taken away: They wou'd not have left you the trouble of Contesting them at this Day; but how Wise or Good soever they may have been, it is no discredit to you, that you endeavour to surpass them in Wisdom and Goodness, and you have the better Opportunity of shewing that you do so, if the Board be determin'd to Act by direct contrary Maxims.

THAT the necessary Presence of the Lord Mayor and Sheriffs on Committees, is highly inconvenient you have only to look back on the Proceedings of your Committees, to be convinced of; there are now (as I am inform'd) above Forty Committees subsisting; How impossible it is for a Lord Mayor to attend them, and yet find Time for the other Duties of his Office, must be obvious to every Body. He is often necessitated to Summons three or four, or more Committees

mittees at one Hour, and at one Place ; and those, amongst you, who have been Diligent enow to give your Attendance, must have been Disgusted and tired with Waiting, sometimes whole Hours, before the Committee on which you were, was called, and must have felt the *Inconveniency* which the *Hurry* of too much Business, the *shortness* of Time, and the *Perplexity* of not knowing what Business to begin with, have necessarily caused to the Chief Magistrate, as well as to yourselves.

AMONG this Number of Committees there are Two, which (tho' of great Importance, and long standing) have seldom or never Met ; One, the Committee for considering how to *retrench the City Expence*, and to *lessen its Debt* ; the Other, the Committee for preparing a new *Modell of Government for this City*, (of which even the Board feels the Necessity) to be laid before the Parliament : You have often Solisited the Lord Mayors to call them, and their constant Answers have been *Promises*, to employ their first *Leasure* in them, and Excuses from *want of Time*, that nothing had as yet been done : This *Excuse* is the best the *Board* can give why they refuse now to appoint a Committee to consider a Proposal (laid before you) for encreasing the Revenue, of the *City Customs* : For I do not suspect, that the principal Reason of their Refusal is because the Proposal came from One of your Members who is not much in their *Esteem*, from his having (indirect *Opposition* to their *Measures*) steadfastly adhered

hered to the Cause of *Liberty*, both in his own *Corporation*, and in the *Common Council*: Or, because the Board will not (even for the Common Good) recede for *Once*, from the Right they have acquired by a long *Prescription*, of disposing of Employments, to none but themselves, or their own Relations and Dependents.

YOUR next Struggle was about your *Right of inspecting the Accounts of the City*, the long Arrears of *Rent* due by your Tenants, claim'd your Attention; you directed the Receiver General to lay those Accounts before you; the *Aldermen* forbid him to comply with those Directions, but consented they might be left in the *Tholsel Office*, where, if you could have spared the most important Hours of the Day from your necessary Trades and Employments, you might, *One or Two of you at a Time*, have perus'd them; you refus'd to take them in that Way, and this occasion'd a *Protest* of some of your Members, which since, it has been publish'd to the great Honour and Reputation of the *Protectors*, I shall take no further Notice of.

Y o u shortly after this desired that the *Accounts of the City* should be *Printed* before they Received the Sanction of the Assembly, that each of you might have a *Copy*, and an opportunity of Examining them; a Petition from you, for that Purpose has been now *three Quarters of a Year* before the Board: I hope you will insist on getting a proper *Answer* to it; it is true, that

that the Board has the same undoubted *Right* of Rejecting any *Petition* that comes from you, as you have of Rejecting any that comes from them; and that it is not, perhaps, very Decent for *One* House to demand from the *Other* the Reasons of their Refusal; but, if it be true, that the Board (notwithstanding the Concession abovementioned) have never once passed any Petition that came from you (except that one about *Regulations*, which they so much alter'd, that it became in a great Measure their own,) you have good Reason to believe, that they *Repent* of their *Concession*, and that they are determin'd to make it of *no Use*, by giving a Constant *Refusal* to whatever comes from you. In this case you may *Reject* whatever Petitions come from them, until you have got some Authentick Satisfaction of your *Right* which is of Importance enough, to justify you from the *Inconveniency* which, by this Method, may attend the *Obstruction* of the *City Business*.

T H E R E are two *Points* under your Consideration, which, as they are of much greater *Importance*, so are they of greater *difficulty* than any yet mentioned, it is your *Right* to the *Election of Aldermen*, and to the *Government* of the *Blue-Coat-Hospital*.

T H E *Remonstrance* lately Publish'd by one of your *Members*, has made it evident, that all your *Charters* are silent with Relation to the *Aldermen*, till the *one* granted by *King Charles I.* in which they

are said to have been Elected, time out of mind, and from time to time, by the Mayor, Bailiffs, Commons, and Citizens. It is plain from this, that they must have been Originally Constituted by the *Citizens*, to whom the Power of *Choosing* a *Mayor* and other Officers, and of making what *By-Laws* they thought Necessary for their own Government, was originally granted ; now it is hard to conceive, that the *Citizens* should have invested *Four and twenty Men* with such Powers, as they had even before the *New Rules*, and given them at the same Time the *Power to Elect* themselves : If they did make any such *By-Law*, I may (with Reverence be it spoke of our Dread *Predecessors*) say, they were actuated by a very different Spirit than that of *Wisdom* and *Goodness*, and it is the Opinion of many Men, who are better versed in the foundation of the *Law of Nature*, and in the *Laws of the Land*, than I pretend to be, that such a *Law* (if there was one) was neither *just* nor *legal* ; “ because no Men have “ a Right to give away for ever, the Rights and Li- “ berties of their *Successors* ; ” and because to make a *By-Law* of any Corporation *valid*, “ It, must, they say, “ be subordinate to the *Laws of the Land*, and must be “ for the *Common Good* of the whole Body *Corpo-^{rate}*.” Now I will venture to say, that this *Custom*, of the Board’s Electing their own Members, is *not* for the *Common Good* of the whole Body, but on the contrary, *is* highly Derogatory both to the *Honour* and *Well-being* of this Corporation.

IF a People can derive any *Honour* from the Figure or Merit of the Persons who Rule over them, it can be only, when those *Rulers* are their *Creatures*: A Man in Wooden Shoes may indeed triumph in the *Glory and Power* of his *Grand Monarch*; but a *Briton*, who has a Notion of what *true Glory* is, Triumphs in his own *Liberty*, and in the *Effects* of it, the *Opulence*, *Grandure* and *Power* of his Country; to him the *Tinsel Ornaments of Place* are of no *Value*, but as they are conferr'd by those who are best Judges of the Merits of those who wear *them*: In this Case, *they reflect Honours back again on the Donor*: Now, allowing that the present *Set* of *Aldermen* are Men of the very best *Understanding*, *Virtue* and *Riches*, in the whole *City*, I cannot see how the *Citizens* reap any *Honour* (tho' they may possibly reap *Advantage*) from it, because *they have not had the Merit of Chusing them*, and that for any Thing in *their Power*, the *Aldermen* might have been Ignorant wicked mean Persons; that they are *not Degenerated* to such, is a *Phænomenon*, which scarce any thing besides the good *Providience of GOD* can account for; for it is hard to imagine, how *Power*, lodg'd in the *Hands* of a *few* (who *Elect themselves*) shou'd not descend to the *worst of Mankind*. If we consider that all Men, even the Best, are fond of *Power*, and that there is no *Society* so small, but that some *one or more* in it will *endeavour to Rule it*; now this will cause *Division*, and whatever *Side* gets the *Majority*, will endea-

vour

avour to keep it, which can never be done but by Electing (in any Vacancy) such a Person, who will come into the Schemes and Measures of that *Majority*: *Merit* may possibly be somewhat Rewarded, but *Dependency* more; Men must be had who will do as they are bid, and *the Man* who shews he has too much *Spirit*, to Purchase any Place by Flattery or Cringes, to any Tool in Power, and *Sense* enough to see through the little Schemes of the Faction by which he is Elected: In short, *the Man* who is best Qualified for the Place must certainly be excluded, and the Society from *Bad* at first, will naturally grow *Worse*.

IT may indeed be objected that, the *Approbation* to be given by the *Privy-Council* to the Election of our *Lord Mayors* and *Sheriffs* must be a Check on the Board, ever sufficient to prevent any Mischief of this Kind; the *Necessity* of such an *Approbation* will, I own, prevent the Election of a *Man* of Infamous Character, but it will not hinder the Majority of a Board from setting aside a *Man* who may be best *Qualify'd* for the Office, either of *Sheriff* or *Alderman*, if those very *Qualifications* should in their Opinion prevail from Concurring with the Faction then in Power.

THE more Popular an Election, the more *Advantages* it must be to the People, and the more *Honourable*

ble to the Person Elected, because that every Election is a Presumption of some valuable Qualities, in the *Elected*, which intitled *him* to the favour of the Electors, and it is Impossible to conceive, for Example, that any man can be *Elected* for a County, or a large City, without his having, at least the Reputation of, *Property, Power, Sense or Virtue*, the only things which can enable him to get Votes; but a Man who is *Elected* by twenty four Men, may be *Elected* without any one of these, nay the Presumption lies of his Possessing none of them, because his most effectual way to be *Elected* is, by Flattery and Courtship to a small Number, or perhaps one *single Man*, who may have the whole Corporation in his Hands, as is the lamentable Case of many Corporations,

Now if it be for the *Honour and well-being* of the City, that the Magistrates should be *Elected*, or at least approv'd of, by the Citizens, I have made it, I think, *Evident*, how much it Concerns *you* to pursue this *Point*, and you have this further Motive to it, that, as in all Cases in which the *Publick* is concern'd, your own *private Advantage*, as well as that of every individual Citizen, is involved: You cannot all of you be *Aldermen*, but were the *Rights of Election* in you, your Favour would be courted, and your Acquaintance sought by every *Man* who expected to have a *Place* at the Board, which wou'd then indeed be *Honourable*, and wou'd become the Object of the

Ambition

Ambition of Men of the greatest Merit, all of whom desire places of Honour and Power, whilst they are to be obtain'd by Reputation and Merit, and not by cringing and flattering one or a few Men in Power.

HOWEVER clear your *Right* may be, to the *Election of Aldermen*, as well as all other Officers, not mentioned in the *New Rules* I am far from flattering you with *Hopes* that you will *easily succeed*, the Aldermen have, certainly in their Favour, *a Prescription of thirty Years*, and the Manner of Election, before the late King's Reign, since which Time their Election have not been Enter'd on the Rolls, is very dark, or at least, *tho' it be certain that, before that Time, the Elected Aldermen was proclaimed in the Commons, and, by a Deputation from your House, introduced to the Board* (which implies an *Approbation* of such Elections) *yet, this may be difficult to prove, or perhaps if proved, it may be Doubtful, whether such would be Evidence in Law*; however, as Lawyers differ in *Opinion* about this, it is *by that* uncertain which way a *Court of Justice* wou'd *Determine*: This then is a *Matter of Debate, a Point of Law*, which is to be *Argued*; and if the *Right* be of the Importance, which I think I have shewn *is to be*, it is very well worth *Contesting*; it is worth every good Citizen's while to *contribute* towards having it cleared, and the more, as it is very *probable* that the *Monday Books* (which you have not had permission to inspect,

and

and which if you Apply for in a *legal Way*, the *King's Bench* will *Order* you the *Inspection of*) may furnish you with more *Proofs* of your *Right*, than you yet have found upon a bare Examination of the *Rolls of your Acts.*

As to the *Government* of the *Blue-Coat-Hospital*, it is yours by *Charter*, and *Charters* are stubborn things, *they* will not yield to the *Wills* or *Passions* of *Men*; by your *Charter* you are *Governors*, and it was not in the *Power*, had it been in the *Will* of your *Predecessors* to give it away to other *Men*; but, in *Fact*, they never did give it away, they did *Once elect Sub-governors*, but gave them no *Power of Succession*, and whatever good End the admitting *Strangers* to share in your *Councils* may have answered, I do not scruple to declare, That the *Act* was *Illegal*, and that you may Recover your *Right* as soon as you please; this *Hospital* was *Erected* for *your Service*, and *your own Poor* are the *Persons* most *Intituled* to *your Charity*.

• If the *Intention* of *Corporations* be to *encourage* *Industry*, by excluding *Strangers* from exercising those *Trades* to which each *Freeman* only has a *Right*, the *Preference* of the *Hospital* ought to be given the *Sons of Freeman*; it is no *Hardship* that the *Children* of *menial Servants* should be *Educated* to follow the *Profession* of their *Fathers*, and in reality when a *Foot*

*for your education and in reality when a Foot
man's
limb*

man's Son is admitted into your Hospital, to the Exclusion of a Freeman's, the latter is obliged to be a menial Servant in Place of the former. It's insisted That if all of you were Governors, the Hospital could not be so well Regulated as it is by a fewer Number: But this Argument would prove (what it is design'd perhaps to prove) That it were better you had likewise no share in the Government of the City, and cannot prevail with you, whilst you have any Spirit or Resentment left you.

I am,

GENTLEMEN,

Your most humble Servant,

A CITIZEN.

JULY, the 18th.

1743.

MANITO A

A

VINDICATION OF THE Rights and Powers OF THE Board of Aldermen.

CONTAINING

Some REMARKS on an *Apology for the Civil Rights and Liberties of the Commons and Citizens*, and on other *Papers* publish'd in Defence of the Conduct of the present Commons.

Addressed to Mr. C—— L——, and offered to the Consideration of the Majority of the Commons.

By a LOVER of PEACE.

—— Fampridem, ex quo Suffragia nulli,
Vendimus, effudit Curas. — Juv. Sat. x.

Now free from Care the happy Commons live,
No longer plagu'd with Votes to sell or give.

DUBLIN.

Printed in the Year, MDCCXLIV.

CONTENTS

The Papers referred to in the following Letter, and to which, I hope, this will be thought a sufficient Answer, are,

I. **A REMONSTRANCE**, against certain Infringements of the Rights and Liberties of the Commons and Citizens of DUBLIN, &c. By Mr. LUCAS.

II. **DIVELINA LIBERA**: An APOLOGY for the Civil Rights and Liberties of the Commons and Citizens of DUBLIN, &c. By Mr. LUCAS.

III. Two LETTERS to the Commons of the City of DUBLIN, on their Disputes with the B— A—.

IV. PROCEEDINGS of the Sheriffs and Commons of the City of DUBLIN, in the Years, 1742, and 1743, &c.

V. A Protest of certain of the Commons, in the Common-Council, at Dublin, with Remarks —

VI. A fuller Account of the Proceedings at Guild Hall, on Monday the 2d of April, 1744, than what was publish'd in Faulkner's Journal, &c.

CONTENTS

A

VINDICATION

OF THE

*Rights and Powers of the Board
of ALDERMEN, &c.*

SIR,

SINCE you are so proud of appearing at the head of that riotous Majority of the Commons, who are ever causing Ob-
structions to the carrying on the most important Busines of the City, and are not ashamed to have put your Name to two Libels against the Government and Governors of this City, you will no doubt think it an Honour to and yourself Addressed to, and spoken of, tho' perhaps with less Eulogium, than your Vanity may make you think you deserve.

I will not, because I dare not, put my Name to this Paper: I do not care to have my Character brought in Question, by you and by the Mob, both great and small, which your Libels have gained to your side, let it suffice, I am what I profess to be, a Lover of Peace, " Which *Profess*, I think preferable to any *Advantage* which *p. 6.* can be got by *Power*".

A 2

THAT

A Vindication of the Rights, &c

THAT Power is the thing you and your Faction, under the spacious Name of Liberty, are aiming at, is evident from the Definition you have set out with.—

1st Letter p. 4. “ LIBERTY, you say, consists in every Individual’s having so much Power, as is consistent with the good of the Society.

WHERE you learn’d this Definition, I know not, but certain I am, it is not a just one.— Liberty has been ever understood to be a Power to do what one wills; hence because Will is necessarily determined by Motives presented to the Understanding, some have asserted there cou’d be no Liberty at all, since Motives were always presented us from without. and the Corporation of Merchants undoubtedly understood it so, when they made a Rule, That no Arguments should be offered in their House to influence their Choice in Elections; No, — this Choice is to be made freely, that is, without any Reasons or Motives to influence that Choice.

LIBERTY, you tell us in another Place is, Divelina libera, p. 6. “ The best Gift of Heaven, the Stock on which alone Arts, Sciences and Trade can be ingrafted, that it was that which raised the States of antient Greece and Rome to be the Objects of the Envy and Admiration of the World”.

THIS does very well in a Declamation, but is it true? At what time was Greece and Rome famous for Arts and Sciences? Was it not when their Liberty was destroyed? — When did that famous Orator Demosthenes flourish and with him all the Arts of Eloquence? Even when Philip had taken away the Liberty of Athens? — When did Cicero make his best

Orations

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Orations? Even under the Tyranny of *Ceser*—
When did Arts and Sciences and every kind of
Politeness flourish in *Rome*? Even when *An-
gustus* had confirm'd Absolute Power, and taken
away for ever the *Roman Liberty*— When
were they destroy'd? Why, when the Nor-
thern Nations, whom Historians represent to
have been free People; nay, the Modellers of
mixt Governments, such as that of these King-
doms, brought, with their Arms and Gover-
nment, that *Gothick Barbarism*, the Detestation
of every Person, who wou'd be thought to have
either Taste or Understanding.

BUT to come nearer home— When did
Arts and Sciences flourish in *France*? Why,
under the Despotick Reign of *Lewis the XIV.*
after *Richelieu* had destroyed the Liberties of the
French Nation.— When have they flourished
in *Dublin*? Can you shew, that when the
Commons had the full Rights and Liberties you
contend for, Arts, Sciences, and Trade, were
at such a high Pitch as they are at present. No,
certainly. Had the Commons remained in
possession of their Rights, you wou'd have
wanted an Opportunity of distinguishing your-
self by your Declamations and Writings, you
must have been contented with a share in the
“ Natural and Legal Inheritance of your Fel-
“ low Citizens”. And each Commoner would
have been as great a Man as you are.

*Divelina
libera.*

p. 5.

BUT be Liberty or its Consequences what
it may, can you produce one Instance of the Ci-
tizen's being depriv'd of it, that you shou'd *Divelina*
“ Sound it's Trump and set up it's Standard, *libera*,
“ to call on the Citizens to assert their Rights? p. 5.
Does not every Citizen dwell in safety under his
own

A Vindication of the Rights. &c.

own Figtree? Do our Aldermen force any of them to undergo any Office, which might deprive him of his Leisure and of his Liberty to do as he lists? Are they not encourag'd to mind their Own Affairs, and not trouble their heads about the Publick? And did they not continue in this most happy Philosophick Ease, till you, under pretence of calling them to Liberty, have most effectualy robb'd them of it? Ay, and what is worse, robb'd some of them even of their Money, by extorting Contributions to carry on your wild Schemes.

AND Pray what are the Freeman to get, even shoud you succeed? Why the Common Council (of which by the by, not one in twenty of the Citizens is a Member) is, forsooth, to have a Share in the *Election of Aldermen* and in the Government of the *Blue-coat Hospital*.

AND Suppose you shou'd (as God forbid you shou'd) gain these Points, How wou'd the Citizens be the better for it? We are told that,

“ If the Election of Aldermen was in the Commons, their favour wou'd be courted, and their acquaintance sought by every Man who Expected to have a Place at the Board”. If it be the Acquaintance and Courtship of the Aldermen you are driving at, sure the Citizens have no reason to complain, — Are not the Aldermen Members and Rulers of the largest and Loyalest Corporation of this City? Are not all the Numbers of this Corporation treated often at the Lord Mayor's House, and at the Tholsel? And is it not more agreeable to have the Acquaintance and Courtship of *real* than of *won'd be Aldermen*? — But this it seems is one of the Grievances you complain of? You

2d Letter

p. 20.

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are not a Member of this favourite Guild. — You 'Divelina
envy them their Entertainments, and are not con^{re} libera,
tented with the Cakes and Wine you get at the 69.

Lord Mayor's Door. — See, how Truth will
out! — But is not your's, as well as all the
other inferior Corporations, both Masters and
Wardens as well as Numbers, treated at the
Mayoralty House every Christmas, that is, at
the Season fittest to get Merry, and of course
familiar with your Superiors, and do not the
Aldermen and Sheriffs Peers contribute as much
as they can to this good Work, by going from
Table to Table, like your Vassels, to push the
Glass? Surely the Commons and Citizens are,
or ought to be, satisfied with this Acquaintance
with the Worshipful Board, and I must con-
clude, that you are raising all this Disturbance,
not for the Interest of your Fellow-Citizens,
but merely for your own.

THAT I have foundation enough to assert
this, will appear from considering what those
private Interests are, which you and the rest of
the Leaders of your Faction have in view, which
once gain'd, you wou'd as readily then abandon
the Interest of the Citizens, as you wou'd now
be thought zealous in promoting it.

For you, *Sir* — you want to be made an
Alderman: But I have not (will you say) ser-
ved the Office of *Sheriff*? — And what then?
Was not *Bartolemew Vannomery* an *Alderman*
before he was *Sheriff* — And dare you say,
it was from forgetfulness that neither you nor
the Chairman of your Committee ever reported
this Fact?

Ay, say you, but suppose I cou'd be elec-
ed *Alderman* before I was *Sheriff*, I am sure I
shall

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shall not remain in the Common Council after next November, and how can I hope there will be a Vacancy before that time? — Very fine!

— As if we did not know that, from your Profession and your Intercourse with the College of Physicians, you may certainly know, within a Month, how soon there will be a Vacancy at the Board. — 'Tis possible some Lives are preserved for a Term or two longer, purely in hopes you may get a Verdict in your Favour, and then,

Divelina libera. who is it sets up? Why Mr. L——. Who will then, as he modestly insinuates, like another

S——d, shew the Commons their Strength.

p. 42, &

50,

As to the Gentleman, who by his adhering, in appearance, so firmly to your Cause, has been, on your recommendation elected to the important, and new created, Office of *President and Treasurer* of the *Trustees* of the Commons, his Views have been all along manifest enough: If he refused (which I very much doubt) the offer of being made a Sheriff some Years ago, when he had not as yet declared himself of the T—— Faction, it was only to make the Place more sure — he scorned to come in the ordinary Way, no — he must follow the Example of the *P——* and the *S——*, and come in by Opposition; when this wou'd not do, he offered to come in by betraying you and your Faction. Who knows not that he *Solicited* for the Office of Sheriff a Twelmonth ago? Had he not two Votes on the Election? And will any Man in his Senses believe he cou'd have made *such an Interest*, without having bound himself to some Conditions. — Nay more. Did he not offer to Bribe the Alderman who was to be elected Lord Mayor? Did not that Alderman

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derman receive his Offers with the Indignation they deserved, telling him, he had design'd that Honour for another, and that he wou'd, (if he was able) keep his Word with him.

As to Mr. M— K— k, it is evident that he has had, for many Years past, an Eye on the Place of Sword-bearer, and on the farming the City Customs. He well knew that the Commons had it more in their Power to serve him than the Board of Aldermen have, who he remembr'd cou'd not sometime ago make, even, a Recorder; to this End he courted the Commons by affecting a Love for Liberty. — He began by wresting the Government of one of the Corporations out of the Hands of a few, who had long, with Wisdom and Justice, rul'd it without Opposition. — He got the Election of their Representatives vested in the Body at large — by this Means he obtain'd a Place in your Council, and his Words and Actions sufficiently shew how steadily he persists in the Principles and Designs he set out with.

It wou'd be tedious to go through the Character of the rest of your Faction, but from this Account of the principal Leaders I leave the World to judge whether there be not sufficient foundation to assert, that each Individual of you is influenc'd by private Interest, or by the resentment arising from disappointed Ambition. And that all you are doing can serve no end, but to create Disturbance, for that it is morally impossible you shou'd ever recover your imaginary Rights and Liberties.

This will appear more plain if we consider, First, That the Law is entirely against you, and for proof of this I refer to the Opinion of

B

Mr,

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Mr. R—r, as set forth in *Faulkner's Journal* the third of *April* last. I think I hear you answer, read my Remarks on it: Your Remarks! Why, who are you? Are you a Lawyer? Is meer ARGUMENTATION a Test to try Cases of Law by? At this rate, where wou'd be the necessity of seven Years Study at our Inns of Court, where Students are initiated in the profound Misteries of explaining English?—Can every Man, who understands Latin, and knows the Weights and Measures you use, make up a Physician's Prescription? No sure, or where wou'd be the necessity of an Apprenticeship?—If then there be Misteries in all Trades, you will I hope allow the Lawyers to have theirs: For my part, I do most cordially believe that you and I are no more Judges of the sense of a Charter or an ACT of Parliament, than a good Catholick is of the Bible. Persons, who make it their peculiar study, are the best Interpreters, and they greatly derogate from their priviledges when they condescend to appeal to the understandings of the non Adepts: For this reason I make no account of the *Opinions* of the other Lawyers, which your Party rely so much on: I can understand every word they say, and notwithstanding your Censure, I cannot but approve the Conduct of the Guild of Merchants in not Suffering *them* to be read, *they* wou'd have serv'd no end, but to raise Doubts, and the Corporation was (as all wise Men shou'd be) determin'd to be resolv'd.

In the next Place you want the very thing that might make you hope for Success in case you had the Law on your side, that is *Money*: Do you really think that the Fund raised from

the

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the overplus Club of your *Saturdays* Meetings is sufficient to bear the Expence even of one Term? Or do you rely on the Contributions you are so industriously endeavouring to raise by begging from Door to Door? Has not Experience as yet taught you how indifferent the better Sort are for your Success? What Entertainment can your Disputes afford to Men, whose Attention is taken up by the more important News they wait for from *Flanders*, or the *Mediterranean*? Have the Papers you publish'd equall'd in their Sale among the Citizens one tenth of the Harangue of the Marquis de *Fenelon*? What part of the Expence has the Sale of the *Proceedings of the Commons* answered? You dare not answer this Question, and therefore I will — To my Knowledge, when you cannot persuade a Man to buy them, you force your Papers on any Body who will submit to the condition of reading them, and what have you got by this, why nothing but this Answer to them, and the Declaration I think myself in Conscience obliged to make to the Publick, (excepting the Opinion of Mr. S—). They are fit for nothing but to serve up under Pies or Custards at a Sheriff's Dinner, or to carry away the Sweetmeats at a Lord Mayor's Feast.

But admit it were possible for you to get over these Obstacles in your way to Power, it were worth your while to consider whether you act as a good Subject, or even a moral good Man, in endeavouring to raise a Spirit of Opposition and Jealousy, at this critical Juncture.

We are now in War with two very potent States, our greatest defence here will be

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the Militia, and sure that Militia will be with great difficulty raised, if the Citizens should once take it in their Heads to look on the Colonels as Usurpers of their Rights and Liberties; for what use can an Army be of, where the Soldiers are Mutinous? — I am glad to find that neither you, nor any of your Leaders have accepted any Place in it, notwithstanding the Declaration your President made in a full Assembly,

*Fuller
Account,
p. 5.*

“ That he did not believe that any Man who had any Sense of Liberty in him, wou'd refuse joining against the Enemy, under the Banner of those Men with whom you are contending”. — You have sufficiently shewn yourselves by this, as well as by the Opposition you made to invest the Committee for Array with the disposal of the whole Revenue of the City, tho' you had immediately before in your Address to his Majesty, offered both your Lives and Fortunes for his Defence. — What wou'd *France* or *Spain* think did they hear of these Divisions, and the Riots that happened in the Lord Mayor's House. *Tell it not in Gath, &c.*

I hope, and that is all the Security we have, that Princes, abroad, are as little curious of enquiring into your Proceedings as the Better Sort at home seem to be, else I should fear War wou'd be brought to our own Gates, and you would have the *French* King, not the Board of Aldermen to contend with. —

*Remon-
strance,
p. 37.*

THERE is another Reason, which in my Opinion ought to prevent you from prosecuting these Points at this Time, and will at least prevent any but the worst of the People from joining with you: You acknowledge, “ That the present Board of Aldermen are Strenuous Advocates for

“ for Liberty and Truth, Men of abundant *Protest*,
“ Humanity and extensive Benevolence to their p. 7.
“ Brethren the Citizens, and that they have *Proceeded*
“ readily given you up some of the Rights you p.
“ contended for”. —— And is it with such 134.
Men you wou’d go to Law? Good God! If *Second*
Honesty and Candor will not secure Men in *Letter*,
their Possession, What must become of us? Do p. 12.
not tell me that against Knaves, your Success
wou’d be more doubtful, I, will from your own
Words, convince you of the contrary. You
tell us, “ It is no more Strange that the just *Divelina*
“ Hand of Providence should infatuate and *libera*.
“ curse the Councils of Tyrants, than that a p. 47.
“ confusion of Tongues was brought of old on
“ the impious Builders of *Babel*”. Wait then
in God’s Name, till you dare say, that the *2d Letter*
Aldermen are Tyrants, and that the good Provi- p. 18.
dence which you acknowledge has ‘till now
prevented their degenerating to such, has with-
drawn it’s Influence; then you may go to Law,
then all good Men will assist you, and you may
promise yourself Success.

BEFORE I conclude, I must tell you, that it
is an unfair way of Arguing to do, as you have
done, and put, in your Antagonist’s Mouths, Ar-
guments and Accusations they never so much as
dreamt of. ——

WHO has ever objected, “ That if the *Divelina*
Commons shou’d succeed in their Demands, it *libera*.
must entirely subvert the present Establish- p. 77.
ment of the City? Not the Aldermen I’m
sure, they are secure you cannot succeed, and
therefore cou’d never make a Conclusion from
you only made this Objection, in order to
overturn it, and to have an Opportunity to com-
pare

121. *A Vindication of the Rights &c.*

pare the Aldermen to *Philistins*, and yourself to *Sampson*.—

Divelina You then tell us, that you are branded with *libera*. the Names of *Idlers* and *Madmen*. However p. 79. just the Accusation may be, it is evident the Aldermen are not the Authors of it: It is known to every body, that whoever accepts the Office of an Alderman, does in a great measure give up his whole time to the Publick, what with attending Assemblies, Committees, City Feasts, waiting Weeks, and the Duties of a Justice of Peace, there is no Time left for the Concerns of their Familys, or Improvements of their Fortunes, and is it consistent with common Sence, that they shou'd accuse you of what is an acknowledg'd Merit in themselves?

As to Madness, instead of answering it, you call it *Publick Spirit*, *Love of Truth*, &c.— and then boast of being the foremost. But pray do not take it all to yourself; may not the Aldermen and those of their Party boast in this page 81. Way as well as yourself? May we not say, If nothing be deem'd Madness but the Proceedings of the Aldermen in general, or the Zeal of particular Members in asserting what has been conceived *Truth incontestable*, and the *Legal or acquired Powers* of the Board, and if those be deemed most Mad who were most forward in this glorious Cause, who laid out the Time, by you devoted to your Deyersion of reading Charters, in promoting the Honour and Grandeur of the City, without any but the present temporary Reward: If this we say be Madness, and these Madmen; our Ambition is ever to be of the Number. If it be Madness to tread the unbeat'en Paths of Power, let us ever be Mad.

Then

Of the Board of Aldermen.

Then tell these wicked Dealers, in Charters and By-Laws, That, as there is a pleasure in Madness, which none but Madmen know; so there is a the exalted pleasure in Place and Power, which true Commons shall never feel.

WERE I not afraid to tire the Patience of the Reader, I would point out many other false Reasonings and Contradictions dispersed thro' your Papers: — Such as your desiring the Citizens to apply for a Repeal of the New Rules, and, in another Place, finding Fault with the Board of Aldermen for dispensing with them, tho' by so doing they acted according to the Maxims you wou'd seem to follow; That Power is better lodg'd in the many than in a few. But I hope I have said enough to convince you, and if you have really that Love for Truth which you profess, I hope you will shew it at your next General Assembly — that instead of obstructing the City Busines by moving for a Censure on the Proceedings of *Trinity Guild*, on which (as Experience ought to have convinc'd you) a Question will never be put from the Chair; instead of this, I say, I hope you will make a Speech to your Brethren, and retract publickly whatsoever you have spoke or written. — Declare honestly you were mistaken. — That you are persuaded all you have done only tends to disturb the Peace of the City. — That the Government of it will be better in the Hands of the Aldermen than in the Commons, and to shew you are sincere, move for a Petition (which I hope the Aldermen will be graciously pleased to receive and pass) reciting, The Inconveniencies rising amongst the Corporations in the Elections of their Representatives, and therefore desir-

*Divelina
libera.*

P. 86.

ing.

Proceedings, p. 68.
2d Letter p. 13

ing, That the Common Council shou'd be abolished, and the Government of the City be left to the Management of those Persons whom the Wisdom of our Ancestors have appointed Governors of the Blue-Coat Hospital.

WHEN you behave in such a just, such an open honest way, I shall with great Respect and sincerity subscribe myself,

SIR,

Your most obedient Servant,

A. W.

